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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,230	07/18/2006	Ronggao Li	38701-005US1	2958

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OCCHIUTI ROHLICEK & TSAO, LLP
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CAMBRIDGE, MA 02138

EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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12/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/586,230	Applicant(s) LI, RONGGAO	
	Examiner ANTHONY S. ADDY	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/07/2008 & 09/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on July 18, 2006. New **claim 8** has been added. **Claims 1-8** are now pending in the present application.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on May 07, 2008 and September 18, 2006 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohen et al., U.S. Patent Number 7,299,349 (hereinafter Cohen)** and **Kim et al., U.S. Patent Number 7,089,024 (hereinafter Kim)**.

Regarding claim 1, Cohen teaches a method for implementing a Push service, comprising the following steps: a Push Initiator (601) sending a Push message to a Short Message Service Center (609) through a Push Proxy Gateway (PPG) (604) (see col. 8, lines 47-52, col. 10, lines 24-29 and Fig. 6); and delivering the push message to a mobile station (*e.g.*, *wireless device* 603) (see col. 10, lines 16-21 and Fig. 6).

Cohen fails to explicitly teach the Short Message Service Center segmenting the Push message to obtain a group of short messages, and scheduling the group of short messages in a transaction mode and delivering them to a mobile station; after receiving the group of short messages, the mobile station recombining them into an integral message.

In an analogous field of endeavor, Kim teaches a message transmitting method using a short message service (SMS), wherein a long message is divided into a group of blocks, and scheduling the group of short messages in a transaction mode and delivering them to a mobile terminal (see col. 4, lines 44-59, col. 5, lines 27-42 and Figs. 2B, 2C & 4). Kim further teaches, the mobile terminal after receiving the blocks of short messages, recombines (*i.e., reassembles*) the blocks of short messages into an integral message (see col. 6, lines 2-33 and Fig. 5).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Cohen with the teachings of Kim to include method of the Short Message Service Center segmenting the Push message to obtain a group of short messages, and scheduling the group of short messages in a transaction mode and delivering them to a mobile station; after receiving the group of short messages, the mobile station recombining them into an integral message, in order to transmit a message to an intended recipient irrespective of the text capacity limited by a communication service provider as taught by Kim (see col. 6, lines 48-54).

Regarding claim 2, Cohen in view of Kim teaches all the limitations of claim 1. Cohen in view of Kim further teaches a method, wherein said transaction mode refers to

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continuously sending in a predetermined time a group of short messages obtained by segmenting, and resending one or more one of the messages when they are sent unsuccessfully (see *Kim*, col. 5, lines 27-55).

Regarding claim 3, Cohen in view of Kim teaches all the limitations of claim 2. Cohen in view of Kim further teaches a method, wherein if all the short messages of the group obtained by segmenting are sent successfully in a predetermined time, the Short Message Service Center returns an Acknowledgement Message to the PPG, and the PPG sends a Result Notify Message to the Push Initiator according to the Acknowledgement Message (see *Cohen*, col. 10, lines 16-34 and *Kim*, col. 5, lines 27-55 and col. 6, lines 33-47).

Regarding claim 4, Cohen in view of Kim teaches all the limitations of claim 2. Cohen in view of Kim further teaches a method, wherein if any one of the short messages of the group obtained by segmenting is sent unsuccessfully in a predetermined time, the Short Message Service Center returns a Submission Failure Message to the PPG, and the PPG sends a Result Notify Message to the Push Initiator according to the Submission Failure Message (see *Cohen*, col. 10, lines 16-34 and *Kim*, col. 5, lines 27-55 and col. 6, lines 33-47).

Regarding claim 5, Cohen in view of Kim teaches all the limitations of claim 1. Cohen in view of Kim further teaches a method, wherein after sending the Push message to the Short Message Service Center, the PPG suspends the present transaction to wait for the processing result thereof from the Short Message Service Center and continues to process the next transaction (see *Cohen*, col. 10, lines 16-34)

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Regarding claim 6, Cohen in view of Kim teaches all the limitations of claim 1. Cohen in view of Kim further teaches a method, wherein said Short Message Service Center is specially used to bear a Push service (see *Cohen*, col. 10, lines 24-29).

Regarding claim 7, Cohen in view of Kim teaches all the limitations of claim 6. Cohen in view of Kim further teaches a method, wherein said SMSC is arranged separately or integrated in a WAP Gateway (see *Cohen*, col. 10, lines 24-29 and Fig. 6).

Regarding claim 8, Cohen in view of Kim teaches all the limitations of claim 2. Cohen in view of Kim further teaches a method, wherein after sending the Push message to the Short Message Service Center, the PPG suspends the present transaction to wait for the processing result thereof from the Short Message Service Center and continues to process the next transaction (see *Cohen*, col. 10, lines 16-34).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wills et al., U.S. Publication Number 2005/0169285 A1 discloses stateful push notifications.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY S. ADDY whose telephone number is (571)272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony S Addy/
Examiner, Art Unit 2617

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617